

REMARKS

Claims 1- 38 are cancelled. New claims 39-61 are added. New claims 39-42, 46, 50-53 and 57 are supported, for example, by paragraphs 34, 46 and 47 of the originally-filed specification. New claims 43-45, 47, 54-56, and 58 are supported, for example, by paragraph 48 of the originally-filed specification. Illustrative support for new claims 48-49 and 59-60 is found in paragraph 47. New claim 61 is supported by paragraph 57. No new matter is added. Applicant respectfully requests reconsideration of the application.

Claim 39 relates to a method including "automatically adjusting the telemetry transmission during the MRI burst delivery in response to the determined plurality of time intervals." The determined time intervals define the timing of the MRI electromagnetic bursts being delivered. The Axel reference cited in the above-referenced office action as the basis for rejecting claims 1-38, now cancelled, describes a QRS complex detection technique. Applicant notes that none of the drawings presented in the Axel application correspond to the Brief Description of the Drawings nor to the Detailed Description. Applicant respectfully submits that one having ordinary skill the art cannot possibly interpret the teachings of Axel properly in view of the unrelated drawings presented. Thus the teachings of Axel cannot possibly anticipate nor render obvious the pending claims.

Axel appears to describe receiving a continuous real time ECG signal from a patient and then initiating MRI data acquisition based on QRS analysis. The Axel reference does not teach or suggest determining time intervals defining MRI bursts or automatically adjusting wireless telemetry in response to the determined time intervals. Merely starting hardwired ECG recordings prior to an MRI session is not adjusting wireless telemetry during MRI burst delivery in response to the time intervals defining the MRI bursts.

The passages cited in the Tsitlik reference clearly relate to programming information received by a pacemaker and are unrelated to telemetry transmission. Tsitlik teaches filtering received telemetry signals. The filtering is

occurring regardless of the presence of MRI. Tsitlik fails to teach adjusting telemetry transmission during MRI burst delivery.

Applicant asserts that the remarks presented herein are fully responsive to the Office Action. Applicant does not concede other arguments to be made as to why the pending claims are patentable by having not presented them herein. Applicant respectfully asserts that the present claims are in condition for allowance. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested. Further, Applicant reserves the right to re-present any originally file, cancelled, and/or previously unclaimed subject matter in a subsequently filed continuing application without prejudice or disclaimer.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

September 28, 2008
Date

/Carol F. Barry/
Carol F. Barry
Reg. No. 41,600
(763) 526-0932
Customer No. 27581